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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,374	04/13/2006	Michael Summerlin	ICD0101PUSA	8403
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EXAMINER				
SAHLE, MAHDERE S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,374

Applicant(s)

SUMMERLIN, MICHAEL

Examiner

MAHIDERE S. SAHLE

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-35 is/are pending in the application.
- 4a) Of the above claim(s) 21, 22 and 31-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 & 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 21-22 and 31-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01/27/09.

Applicant's election without traverse of claims 17-20 and 23-30 in the reply filed on 01/27/09 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavery (WO 02/086589).

Regarding claim 17, Lavery discloses a lenticular display assembly (abstract), comprising: an image panel (20 with 2) having a composite image and a plurality of connection holes (40) (see figure 4); a lenticular lens panel (21 with 4) having a plurality of connection holes (51) and being adapted to display a lenticular image of the composite image (see figure 4); a plurality of fasteners (30) adapted to engage the connection holes (40) of the image panel (20 with 2) and the connection holes (51) of the lenticular lens panel (21 with 4) to releasably fasten and align the image panel (20

with 2) to the lenticular lens panel (21 with 4); and at least one tension member (11) attached to two spaced-apart fasteners (30) to exert a force on at least one of the image panel (20 with 2) and the lenticular lens (21 with 4) panel compressing and bending the image panel (20 with 2) and the lenticular lens panel (21 with 4) (pg. 5, lines 23-33, pg. 6, lines 15-29); whereby the lenticular image is displayed by the lenticular lens panel (abstract). Lavery discloses the claimed invention, but does not specify a combination of elements for the image panel and the lens panel. It has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the assembly of Lavery with an image panel and lenticular lens panel as a combination of elements for the purpose of providing a more compact and simplified assembly.

Regarding claim 18, Lavery discloses wherein each of the connection holes (40) of the image panel (20 with 2) form an encircled surface in the image panel (20 with 2) (see figure 4), and each of the connection holes (40) of the lenticular lens panel (21 with 4) form an encircled surface (51) in the lenticular lens panel (21 with 4) (see figure 4).

Regarding claim 19, Lavery discloses wherein the tension member (11) cooperates with any one of the image panel (20 with 2), the lenticular lens panel (21 with 4), and the fastener (30) to compress the image panel (20 with 2) and the lenticular lens panel (21 with 4), such that the image panel (20 with 2) and the lenticular lens

panel (21 with 4) are pressed against one another (pg. 5, lines 23-33, pg. 6, lines 15-29).

Regarding claim 20, Lavery discloses wherein the tension member (11 with 9) is selected from the group consisting of one or more tension bars, one or more threaded rods, and one or more plates (see figure 4, pg. 6, lines 15-29).

Regarding claim 23, Lavery discloses a method for displaying a lenticular image (abstract), the method comprising the steps of: providing a lenticular lens panel (21 with 4) having a plurality of connection holes (51) and an image panel (20 with 2) having a plurality of connection holes (40) (see figure 4); aligning the connection holes (51) of the lenticular lens panel (21 with 4) to the connection holes (40) of the image panel (20 with 2) (see figure 4, pg. 7, lines 7-27); inserting a fastener (30) through one of the connection holes (51) of the lenticular lens panel (21 with 4) and one of the connection holes (40) of the image panel (20 with 2) (see figure 4); fastening the lenticular lens panel (21 with 4) to the image panel (20 with 2) (see figure 4); and bending the lenticular lens panel (21 with 4) and the image panel (20 with 2) such that the image panel (20 with 2) is compressed against the lenticular lens panel (21 with 4); whereby a lenticular image is displayed by the combination of the panels (abstract). Lavery discloses the claimed invention, but does not specify a combination of elements for the image panel and the lens panel. It has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to provide the assembly of Lavery with an image panel and lenticular lens panel as a combination of elements for the purpose of providing a more compact and simplified assembly.

Regarding claim 24, Lavery discloses further comprising a step of emitting light onto a rear surface of the image panel (20 with 2) to illuminate the lenticular image (pg. 13, lines 7-12).

Regarding claim 25, Lavery discloses further comprising steps of unbending the lenticular lens panel (21 with 4) and the image panel (20 with 2), removing the image panel (20 with 2) from the lenticular lens panel (21 with 4), and repeating the steps of aligning, inserting, and bending with at least one other image panel (20 with 2) (pg. 14).

Regarding claim 26, Lavery discloses wherein the fastening includes screwing (16) onto a threaded member (17). Lavery discloses the claimed invention except for screwing a nut onto a threaded member. It has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. *In re Karison*, 136.USPQ 184. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the assembly of Lavery with screwing a nut onto a threaded member for the purpose of providing a secure connection with the panels in the assembly.

Regarding claim 27, Lavery discloses wherein the bending is effectuated by a tension member (11 with 9) connecting two or more fasteners (30) (see figure 4, pg. 6, lines 15-29).

Regarding claim 28, Lavery discloses wherein the tension member (11 with 9) is selected from the group consisting of one or more tension bars, one or more threaded rods, and one or more plates (see figure 4).

Regarding claim 29, Lavery discloses further comprising steps of emitting light onto a rear surface of the image panel (20 with 2) to illuminate the lenticular image (pg. 13, lines 7-12), unbending the lenticular lens panel (21 with 4) and the image panel (20 with 2), removing the image panel (20 with 2) from the lenticular lens panel (21 with 4), and repeating the steps of aligning, inserting, and bending with at least one other image panel (20 with 2) (pg. 14), wherein the bending is effectuated by a tension member (11 with 9) connecting two or more fasteners (30) (see figure 4, pg. 6, lines 15-29), the unbending is effectuated by releasing the tension member (11 with 9), and the tension member (11 with 9) is selected from the group consisting of one or more tension bars, one or more threaded rods, and one or more plates (see figure 4).

Regarding claim 30, Lavery discloses wherein the aligning includes rotating and translating the lenticular lens panel (21 with 4) with respect to the image panel (20 with 2) (pg. 7, lines 15-20).

Prior Art Citations

Bal-Yona et al. (USPG Pub No. 2004/0090399), Sekiguchi et al. (USP No. 5,695,346), Cassara (USP No. 6,795,159), Fantone et al. (USP No. 5,941,382), McDonald (USP No. 5,710,666), Simon (USP No. 4,118,879) are each being cited herein to show a lenticular display that would have read on or made obvious a number of the above rejected claims, however, such rejections would have been repetitive.

Response to Arguments

Applicant's arguments with respect to claims 17-20 and 23-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahidere S. Sahle whose telephone number is (571 270-3329. The examiner can normally be reached on Monday thru Thursday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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5/11/2009

/Ricky L. Mack/

Supervisory Patent Examiner, Art Unit 2873